IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 274 OF 2007

New Pakiza Co-operative Housing Society. ..Petitioner.

V/s.

Smt. Ushaben Talakchand Shah
@ Savla & Anr. ... Respondents.

....

Mr. A.R. Shaikh for the Petitioner.

Mr. G.U. Murti for the Respondents.

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CORAM : S.J. VAZIFDAR, J.

15TH JANUARY 2007.

P.C. :

1. Prima facie the rights of every member of the Petitioner - Society may be affected in the event of any reliefs final or interlocutory being passed in the suit. This is for the simple reason that an injunction against B.M.C. would ipso facto operate against the interest of the members of the Petitioner - Society. However, the Petitioner - Society is unregistered. It is only on this limited ground that the Petition is dismissed. It is clarified that this order of dismissal will not affect the right of any of the individual members of the Society making such application.